

OGC SUBJ: RELEASE OF INFORMATION ✓

SECURITY-E.O. 11652-

19 October 1972

ICRC

MEMORANDUM FOR THE RECORD

SUBJECT: Suggested Procedure in Re: The Associated Press  
Appeal to the ICRC

1. Presumably, the ICRC will be unable to conduct an appeal until it has established internal procedures for holding such an appeal. Ambassador Eisenhower has indicated his own concern with responding to appellant within a reasonable time period. He has voiced his thought in specific conjunction with original requests and with appeals to the Agency Classification Review Committee. Logically, he would want to continue to pursue the same goal of time within the ICRC. On the other hand, he would recognize the need for internal procedures.
2. The question of internal procedures will undoubtedly be on the November agenda. The appeal itself may either be noted on the November agenda and scheduled for a special meeting later in November or noted and scheduled for a meeting in December.
3. We should file a proposed procedure of our own for inclusion as a discussion item on the November agenda. This should be done by the end of the week of 27 October. Assuming our proposal carries, we would implement necessary clearance procedures, obtain signed secrecy agreements and prepare the documents for review by the committee ultimately selected to review the case. The Director has already reviewed the documents. He should prepare for the committee a memorandum for his signature stating that he has personally reviewed the documents and that in his opinion, as the President's Chief Intelligence Advisor, the information contained in these documents should be exempted from the application of declassification procedures under the appropriate exemption of Executive Order 11652.



4. If our position fails to be upheld in the appellant review, the Director's next step would be to take the case to the President in late November or early December. At this point he would use as rationale the paper from the Executive Director-Comptroller to his Special Assistant for Information Control. In addition, other legal opinions would be provided by the Office of General Counsel. At the time of presenting the case to the President, the Director should be prepared to make a position for a blanket exemption for those Agency materials defined as sources and methods; such an exemption to extend beyond present 30 year declassification limit.



Special Assistant for Information Control

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